

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

KENNETH M. KANSKY,
Plaintiff,

v.

**COCA-COLA BOTTLING COMPANY OF NEW ENGLAND,
COCA-COLA ENTERPRISES, INC.,
COCA-COLA ENTERPRISES LONG TERM DISABILITY PLAN
A/K/A CORE LTD BENEFITS,
AND
AETNA LIFE INSURANCE COMPANY,**
Defendants.

CIVIL ACTION No.

05-10908 DPW

**MOTION OF ALL DEFENDANTS
FOR SUMMARY JUDGMENT**

All of the defendants hereby move the Court for entry of summary judgment in their favor on all remaining counts in the plaintiff's complaint. As grounds therefore, the defendants rely upon their accompanying Memorandum in Support of their Motion for Summary Judgment, which is also being filed this day, and which contains a statement of reasons, including citation of supporting authorities, why this motion should be granted. The defendants further rely on the accompanying Local Rule 56.1 Statement of Material Facts Not in Dispute, which is also being filed this day.

REQUEST FOR ORAL ARGUMENT

The defendants request that this Court hear oral argument on this motion.

WHEREFORE, all defendants move this Court for summary judgment in their favor.

Respectfully submitted,

The Defendants, by their attorneys,

Date: November 30, 2005

/s/ Stephen D. Rosenberg
Stephen D. Rosenberg [BBO # 558415]
The McCormack Firm, LLC
One International Place - 7th Floor
Boston, MA 02110
Ph: 617•951•2929
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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing **Motion of All Defendants for Summary Judgment, and its accompanying Memorandum in Support, Local Rule 56.1 Statement of Undisputed Facts, Appendix of Excerpts from Administrative Record, and Local Rule 7.1(A)(2) Certification** were served upon all counsel of record by depositing a copy hereof in the U.S. Mail, postage prepaid, addressed to:

Bernard Kansky, Esq. *[Attorney for Plaintiff]*
Kansky & Associates
468 Commercial Street - #100
Boston, MA 02109-1020

DATED this 30th day of November, 2005.

/s/ Stephen D. Rosenberg
Stephen D. Rosenberg [BBO# 558415]
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**COUNSEL FOR DEFENDANTS'
LOCAL RULE 7.1(A)(2) CERTIFICATION REGARDING
MOTION FOR SUMMARY JUDGMENT**

Pursuant to Local Rule 7.1(A)(2), the undersigned counsel for the above-named Defendants certifies that counsel for the respective parties have conferred and have attempted to resolve or narrow the issues presented by Defendants' motion for summary judgment, including the primary issue of whether the preexisting condition exclusion applies to the underlying circumstances. The parties have not been able to reach an accord as to these issues; therefore, the Defendants are filing the accompanying motion for summary judgment.

Respectfully submitted,

Counsel for Defendants:

Dated: November 30, 2005

/s/ Stephen D. Rosenberg
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